

the one now in force, and which will make less the competition with free labor, we will be most happy to cooperate in its enforcement.

The present commissioners have given to the discharge of their duties more time than was ever before done in the history of the State. At Joliet one of them has given all of his time, and the other two from a third to a half of their time.

Pardons and Inequality of Sentences.

In connection with what is said about our penitentiaries I feel it my duty to urgently call your attention to the subject of pardons, and of the inequality of sentences, growing out of the present method of administering our criminal laws. The present system of having a fixed, ironclad sentence for each offense, without regard to the age or character of the offender, or to the degree of his criminality, is a relic of barbarism. Under this system it frequently happens that the young are sentenced for a long term of imprisonment because they happen to be poorly defended, or there is a vicious prosecution, while the hardened criminal, tried in another court, receives a short term of imprisonment for the same offense, because he happens to be well defended or there is a weak prosecution. As each case is tried by a different jury it is impossible to have system or regularity about it. My attention has been repeatedly called to cases where boys not yet 20 years old were sentenced to the penitentiary for fifteen years, while scores of hardened and very dangerous criminals were sentenced for two or three years for the same offense, and were then turned loose upon society. At present all are turned out of the prison without reference to their ability to maintain themselves. It is difficult for a man who has not been in prison to get work, and it is infinitely more difficult for him who is weakened by the degradations and humiliations of a prison experience. If he tells where he has worked he is jeered at and ordered away. He is obliged to lie at the start. If he gets work he is found out and discharged. Sometimes he is blackballed, very frequently he is literally forced back into crime, and with this his hope of an honorable life dies out. At this point there is born for society a desperate criminal, whose thieving hand will always be near his throat and when it thereafter shivers at the sight of his awful deeds, can it then truthfully say it did not help him?

The entire system should be changed. The court and jury should do nothing except ascertain the guilt of the defendant and simply sentence him to prison, and the release of the prisoner should then depend upon circumstances. The young and those who are not yet hardened, who slipped in a moment of temptation or excitement, or in a moment of weakness, should be detained the minimum length of time, and then released, but not until after employment and a home has been found for them. Experience shows that prisoners can get work for discharged prisoners when the latter cannot. The hardened criminal and those who are natural enemies of society should be detained the maximum length of time. This system was strongly urged by my immediate predecessor in office, in language more eloquent than is at my command, but I wish to urge it with the same earnestness.

Number of Pardons.

During the twenty years immediately preceding my administration there were, altogether, 1,673 pardons and commutations granted, making an average of 83 2/3 pardons and commutations for each year. Governor Culbertson, during the six years of his incumbency, granted 447 pardons, or an average of 74 1/2.

During the two years of my administration I have granted 144 pardons and commutations, being an average of 72 per year. I have thus fallen below the average in the granting of pardons and commutations. On the other hand, the number of prisoners and consequently the number of applications for pardons have greatly increased. We frequently receive from three to five applications for pardons a day, and the work this entails is so great that it cannot be properly attended to by one man. Besides, in many cases, this is not the proper method of getting relief, whereas, if prisoners were released under a system of parole already discussed, every prisoner would stand on his own merits.

A Better Civil Servant.

I would here suggest that there is urgent need of legislation in regard to the civil service that will relieve executive officers, both State and municipal, of the constant and overwhelming responsibility for place. In a great State like ours, and in a great city like Chicago, this responsibility is so constant as to test the powers of physical endurance, besides taking up so much time as to seriously interfere with public business. Owing to the large number of men who were out of employment, the last two years having been especially trying in this respect, I doubt the wisdom of a system that forever keeps the same men on the payroll, for it is not calculated to produce the highest degree of efficiency. Every executive officer or head of department, whether State or municipal, being responsible for the conduct of his office, should, subject to some general rules, have the power of discharging any employee when, in his judgment, it is best for the service; but when he does so the place should be filled by taking the first from a list of names selected on the ground of merit by an examining board. This would take away the temptation to remove in order to make room for favorites, and, at the same time, it would relieve the officer of the embarrassing responsibilities on the part of that limited number of good men who want to find places for friends. We must strike a mean between the retention of incompetents and the distribution of spoils.

Publishing of Pay-Rolls.

The trustees and superintendents have all been instructed to include in their reports the complete pay-rolls of their institutions, giving the name of every man or woman to whom money has been paid, the amount paid each, and what service has been rendered. These reports are printed, so that every taxpayer in the State can see who is drawing money from the State treasury. This never before has been done, but it is believed that when once fully

established it will be a great protection to the public.

Extending Lincoln Park.

As land becomes more valuable, there is a constant effort on the part of speculators to make new land in the lake along the shore on the North Side at Chicago, and some riparian owners in violation of law build piers into the water for this purpose. This shore should be saved for the public, so far as possible. As Lincoln Park is already much too small to accommodate the multitudes of people who seek pure air and recreation there, and as it can only be extended by utilizing the shallow waters of the lake for that purpose, I recommend such legislation as will enable the park commissioners to acquire the riparian rights and to extend Lincoln Park and the drive to Evanston. This would protect the shore and make the greatest park in the world.

Administration of Justice in Large Cities.

The condition of business in the courts of Chicago almost amounts to a denial of justice. It takes years to get a case finally settled by the courts, while the expense, annoyance and loss of time involved in watching it are so great that the poor cannot stand it and business men cannot afford it. Litigants are worn out and the subject matter of dispute often becomes useless before the courts get done with it. This is not the fault of the judges, but of the system, which, in its practical workings, often discourages the honest man and encourages the dishonest one, for it enables him to wear the former out.

Urged by the bar, the number of judges was greatly increased by the last General Assembly, but the conditions are almost the same. We now have twenty-eight judges in Cook County alone, while there are only thirty-four in all England, Ireland and Wales. In England, most cases are disposed of at once. The dishonest man does not find it to his interest to go into the courts there, while we, with our system of distinctions and delays, almost offer him a premium to do so.

We borrowed our system of jurisprudence from England more than a century ago when it was loaded down with absurd distinctions and formalities. We have clung tenaciously to its faults while England long ago brushed them aside. Three-quarters of a century ago that country began to reform its judicial procedure by wiping out all useless distinctions and formalities and making all procedure simple and disposing of each case promptly on its merits, and their appellate courts now review cases only when it is shown that an actual injustice has been done and not simply because some rule or technical formality has been disregarded. As regards the administration of justice we are to-day three-quarters of a century behind that country from which we borrowed our system. We may be great in politics but do not yet lead the way in statesmanship. The whole system should be revised and simplified so that it will give our people more prompt and speedy justice and less expense.

Justice Courts.

I must again call attention to the conditions surrounding the police and justice courts of Chicago. They are a disgrace, and we will not rise to the demands of the occasion if we do not devise some remedy for these evils. I also again call attention to the subject of permitting any officer connected with the administration of justice to keep fees. This is the very foundation upon which the whole structure of fraud, extortion and oppression rests. No man's bread should depend upon the amount of business he can "drum up" around a so-called court of justice. Both of these subjects are discussed at length in my message to the last General Assembly and I refer to it for further discussion.

Revenue System.

Whatever may be said of the theory of our revenue system in this State, it is, in its practical workings, a giant of injustice. Under the present system of wealth contribute comparatively little, while the owners of small and moderate sized properties are forced to bear nearly all the burdens of the government. The personal property of the very rich is scarcely taxed at all. There are thousands of men in this State who have great fortunes invested in stocks, bonds, and other forms of personal property, upon which they do not pay a dollar, yet they enjoy all of the educational facilities, all of the protection and other advantages of the government just as much as their neighbors do; and, curiously enough, these are very often the men who have most to say about patriotism and the duties of citizenship. The failure to assess personal property is due in part to the fact that there is no method of compelling every man to honestly state what he has. Again, in the assessment of real estate the greatest inequality is found between the assessments of small and the assessments on valuable pieces of property. For example, in Chicago the store of the small merchant and the home of the mechanic or man of moderate means is assessed at from 25 to 40 per cent. of its cash market value, while large business blocks held by very wealthy men are assessed at from 15 to 20 per cent. and the large and magnificent residences are assessed at from 8 to 15 per cent. of their cash market value, while their luxurious contents, often worth from \$50,000 to \$100,000, are scarcely mentioned upon the assessor's books at all. Most of the injustice in the assessment of tangible property, such as real estate, is directly due to corruption. It is found that large holders of real estate first employ agents to manage it and to keep the taxes down. These agents have a go-between who arranges with some assessor, whereby, for a consideration, the assessment on certain pieces of property is lowered so that the property owner saves from five to ten times the amount he advances to the assessor. The result of all this is that the men of moderate means, the men of small holdings, pay from two to four times as much in proportion to their ability as do the very wealthy, who do more in every way to increase the expense of the government. The moderate property-holder rarely ever calls for extra police protection, and never for military protection. The large property-holders use both. It is always a most difficult matter to legis-

late against corruption, but it is believed that if greater publicity could be given to assessments it would have a good effect. I am informed that in some cities assessments are published in the newspapers by blocks, giving in each case the name of the owner and a description of the property together with the amount of the assessment. This has been found to work well.

Another source of great injustice is the fact that almost every great interest has managed to get special legislation changing the method of listing its property. This makes uniformity of assessment between different kinds of property impossible. If the present system could be entirely wiped out, and a simple statute enacted providing that everything that has a market value shall be assessed, either at that market value, or at a certain fixed per cent. of its market value, it would, at least, make fair assessment a possibility. It is the wilderness of legislation as to detail that has produced the present monstrosity. A prominent citizen of Chicago has prepared a statement which I attach as an exhibit because of remarkable facts it contains and because it suggests a plan for uniform assessments that may be of value.

Newspaper Property, Etc.

While most corporations are assessed by the State Board of Equalization, there is upon the statute books an act which provides that companies formed for certain purposes, one of these being the publication of newspapers, shall be assessed as the property of private individuals is assessed. This at first blush looks harmless, but when more carefully examined it is found that only the tangible property, such as presses, etc., can be assessed, and under this clause many corporations which have not much tangible property, but do have a large business good will that would sell for cash in the market, and which makes enormous profits, practically escape taxation. If their capital stock were assessed its market value would have to be considered, and that would be partially determined by the dividends. For example, one of the oldest daily morning papers of Chicago has for very many years annually earned net profits amounting to upwards of \$250,000, which would be large dividends between \$3,000,000 and \$4,000,000. During last summer the owners of this paper refused to accept a cash offer of \$3,000,000 for that property, thus showing that they valued it at a still higher figure. Yet the company which owns this paper pays taxes on an assessment of only \$18,000. In the case of small papers this law may not work so great an injustice, for the tangible property may represent nearly all there is of value, but in the case of corporations having an established business which has a market value and could be sold in the open market, this is not the case. The publishers of this great paper assume the right, almost to dictate to the community upon every public question. They assume the right to denounce whomsoever they please. They are in a sense above and beyond the law, for a poor private individual has no practical remedy against an unjust attack upon his part, and yet they manage to throw the burden of supporting our government upon the shoulders of others.

Flipping Car Charges.

During the last twenty years the prices of all commodities as well as the carrying charges of railroads have been reduced from 50 to 60 per cent., but our people still have to pay the old extortionate rates for sleeping car service, which has become a necessity of modern travel just as much as railroads are. The travel on sleeping cars has increased so enormously that this fact alone, aside from the general fall in prices and carrying charges, long ago called for a large reduction in sleeping car rates. The people of this great State should long ago have been protected against this extortion, and I recommend legislation on this subject and the establishing of rates that shall be just to both the carrier and the public.

The Settlement of Labor Troubles.

Owing to the division of labor, the building of railroads and the great consolidations that have taken place in the mercantile and industrial fields, many of the theories of government applicable fifty years ago are now utterly inadequate. In the great division of industries each has become dependent on the other and none can shut down without affecting all. The whole American people have adjusted their affairs to the continued operation of railroads. Any interruption affects the entire public. Again, all of our industries depend on the regular supply of coal, and if this is interfered with it injures not only those connected with some mine, as was once the case, but the whole community. Our civilization makes us all interdependent. Government must keep pace with the progress of the age and meet the changed conditions, for it is the duty of government to protect all. Whenever any men are pursuing a course injurious to the rest of the community the government should deal with the question on the lines of justice and not simply join hands with the strong to crush the weak. In recent years we have repeatedly had labor disturbances in the form of strikes and lockouts. It will no longer do to say that this is the business of employer and employee, for while these are fighting, innocent noncombatants may be ruined. The question of dealing with these conditions is a most difficult one, and no complete remedy has yet been devised. Many advocate compulsory arbitration, but no practical method of enforcing a decree or award in every case of this character has yet been found. There is, however, no difficulty in the way of making a compulsory investigation in every case, and this alone would be a great preventive as well as corrective. This method has been tried elsewhere and has worked well. Promptly ascertaining and making public the actual conditions in each case arouses a moral sentiment that often forces a settlement, and the fear of such an investigation will sometimes settle this subject, and I would suggest that the law would provide for a new board in each case, allowing each party to select an arbitrator and the two thus selected to name the third, or, if they disagree, then let the County Judge name the third. If a permanent board was created, the more powerful

interests would soon seek to get their friends appointed on it, and no matter what it did it would soon lose the confidence of the workers and of the public, and with this its usefulness would be gone. Again, nearly all the great interests of this country, except farming, are controlled by combinations. Often one of these combinations collects together thousands of laborers, representing many thousand people, at a point where it is almost the only employer and where they would otherwise not have settled. These are absolutely at its mercy. If for any reason it turns them out they become a charge upon the State, that is, upon the public, the corporation at once washing its hands of all responsibility. The public, being the State, has the same right to protect itself that individuals have, and these evils must, in some way, be met, for a government that cannot deal with new problems as they arise is unworthy of a free people. There should be some legislation to prevent laborers being brought into the State by squads, for they generally have to displace an equal number, who, being suddenly thrown out, become a charge upon the public. Some years ago a number of non-resident capitalists bought large tracts of coal lands at Spring Valley, in this State, and opened a number of mines. Several thousand miners were induced to move there, a very large per cent. of whom were Americans, many of whom were induced to buy lots of the company. The company then pursued so greedy and unconscionable a course toward its employees, through truck stores and other devices, that the men became restless. Thereupon it displaced almost every American laborer with foreigners, who had been brought or induced to come there. This left the former employees out of work in a locality where none was to be had, and naturally led to disturbances. By degrees the new men, finding themselves reduced to poverty by the exactions and greed of the company, became sullen and discontented, and last summer the public heard much about the dangerous foreigners at Spring Valley. Last year the company employed a large number of negroes, who are displacing that many of the former employees, who now find themselves without work and without bread, for no matter how hard they worked they could barely keep their families alive and could save nothing. This company has been a curse and a bill of expense to the State from the time it commenced operations. Almost every administration for a number of years has had to send a military force there to preserve order and protect the property of this concern that was really causing the trouble. Although it has nearly 40,000 acres of coal lands and its property is estimated at over \$2,000,000, it is assessed at only \$130,084, and pays taxes on this sum. While we welcome every honest enterprise and industry, we cannot allow our State to become merely a foraging ground for wolfish greed. We want no more enterprises of this character.

Government by Injunction.

During the last two or three years the usurpation of power on the part of the Federal Judiciary, which had been steadily going on for a long time, has assumed a form where it is destroying the very foundations of republican government. The Constitution divides the powers of government into the legislative, judiciary and executive, and contemplates that no two of these shall be lodged in the same person, but during the last two years the people of this country have repeatedly witnessed the operation of an entirely new form of government, which was never before heard of among men in either monarchy or republic; that is, government by injunction, whereby a Federal judge not content with deciding controversies brought into his court, not content with exercising the judicial functions of government, proceeds to legislate and then administer. He issues a ukase which he calls an injunction, forbidding whatever he pleases and what the law does not forbid and thus legislates for himself without limitation and makes things penal which the law does not make penal, makes other things punishable by imprisonment which at law are punishable only by fine, and he deprives men of the right of trial by jury when the law guarantees this right, and he then enforces this ukase in a summary and arbitrary manner by imprisonment, throwing men into prison not for violating a law, but for being guilty of a contempt of court in disregarding one of these injunctions. During the last two years some of these judges actually enjoined men from quitting the employment of a railroad. These injunctions are a very great convenience to corporations when they can be had for the asking by a corporation lawyer, and these were the processes of the court to enforce which the President sent the Federal troops to Chicago.

During the coal and railroad strikes last summer the United States Marshal for the Southern District of Illinois swore in altogether over 300 deputies, chiefly for the purpose of enforcing injunctions of this character issued by the United States Court and directed to the Marshal to enforce, and about 101 men were arrested at Cairo and other points in the State and brought to Springfield in charge of officers, a distance of from 100 to 200 miles, and lodged in jail. Nearly all were charged with contempt of court and were tried not by a jury but by the court whose dignity they were said to have offended; 121 were convicted, and most of them sent to jail for from thirty to ninety days. Many had to be set free when it came to a hearing because it did not appear that they had even violated a crime, and nearly all when set free found themselves on the streets from 100 to 200 miles from their homes without money and without friends. In very many cases the United States Marshal, prompted by the instincts of humanity, gave them something to eat and secured transportation for their return, while some of the corporation agents, who were responsible for it all appeared to regard the proceedings as a good lesson for the men. During the railroad strike the Marshal for the Northern District of Illinois, who had already the necessary deputies to serve the regular and legitimate processes of the courts, swore in 4,402 deputy

marshals almost for the sole purpose of enforcing some of these injunctions. Some of these injunctions were obtained as early as June 29 and 30. They were issued without notice, they ran against all of the inhabitants of the three States comprising the Judiciary circuit, and were not served personally, but in some cases were simply posted on some wall and in others attempts were made to read them to a vast mob under circumstances that made the whole proceeding look farcical and indicated that the mob was not expected to obey them, but that these proceedings were had simply to lay the foundation for another step. After these injunctions had been issued the United States Marshals, according to their own statements, arrested about 450 men, nearly all on the mere charge of being guilty of contempt of court, and so far as can be learned not twenty men have been convicted on any charge. These injunctions served as a sort of side-show convenience, and were used in some instances to terrify the men. At different times men who could have been found at any hour of the day were arrested toward evening, in some cases on a Saturday evening, when the officers who could admit to jail had gone home, so as to compel the men to spend a night or a Sunday in jail. George Lovejoy, a trainmaster at LaSalle, was a member of the A. O. U., and when the strike began he simply quit work, but did nothing more. A warrant was sworn out for his arrest. He was taken 100 miles to Chicago in charge of officers and remained in their custody two days and was then bailed out, and when the case was about to be heard it was dismissed with the simple statement that they did not care to prosecute. Had the machinery of justice been left in impartial hands and had there been no other object in view than merely the enforcement of the law and the protection of property, it is manifest that these abuses would not have happened. The Federal Government had already the complete machinery of justice in Chicago which had been found to be sufficient for every and all purposes. It had never interfered on similar occasions in the past. Consequently the fact that it should interfere at all here was remarkable, and that it should step in at such an early date was still more remarkable, but more significant than all these things was the selection which it made of a representative. There were in Chicago at that time thousands of able lawyers who had no personal interest to serve, but they were not wanted. The administration claimed to be Democratic and there were hundreds of Democrats capable of filling any office in the government, but they could not be trusted. A man was selected who was not only of opposite politics, but who was one of the most prominent corporation lawyers in the country, who was at that time the hired attorney of one of the railroads involved in the strike, and who was at that time personally engaged in fighting strikers, and therefore had an interest in the outcome, yet this man was clothed with all the powers of the government and he brought to the use of himself and his clients, without expense to them, the services of over 4,000 United States marshals, of a specially picked United States grand jury, of several United States judges, and of the United States army. Never before were the United States government and the corporations of the country so completely blended, all the powers of the one being at the service of the other, and never before was the goddess of justice made a mere handmaid for one of the combatants. Surely, if there had not been a special object to attain, if there had been nothing wanted except to preserve order and enforce the law, then common decency would have suggested that the machinery of justice remain in impartial hands. It is evident that if the Attorney General of the United States did not outline and advise the policy that was pursued, it received his approval and was carried out through his assistance.

Referring again to government by injunction: Some of the Federal judges based these remarkable orders on the interstate commerce law. This was an act passed by Congress some years ago for the express purpose of protecting the public against unjust charges on the part of the railroads, and practically of protecting the farmers and the shippers of the country against railroad discriminations. The railroads refused to obey this law and carried it into the Federal courts, and these same Federal judges proceeded to hold section after section of the law to be unconstitutional, until they had absolutely destroyed it for the purpose for which it was enacted and had made it as harmless as a dead rabbit. Then, after having thus nullified an act of Congress intended for the protection of the people, they turned around and made of it a club with which to break the backs of the men who toll with their hands—men whom Congress did not think of legislating against. Others of these judges have recently held that they have the power to make these orders independently of the interstate commerce law.

Another innovation is the operation of railroads by courts of chancery, whereby a court carries on a vast business enterprise not simply for a short time, but frequently for years, and by an astounding fiction in the line of usurpation of power, the dignity and the sacredness of the court is supposed to extend over the whole line of the road, and the road is said to be not in the hands of the receivers, as other property is in the hands of the owner, but in the actual possession of the court, and anything done to the railroad is treated as a contempt of court. If you commit an offense against a railroad that is in the hands of its owners you will be prosecuted in the county where the offense is committed, tried by a jury, and, if proven to be guilty, may be sent to the penitentiary. But if you tread on the grass or throw a stone onto a railroad that has been robbed by speculators and then put into the hands of a receiver to freeze out some stockholders, you will be guilty of a contempt of some court sitting several hundred miles away, and you will be liable to be arrested and carried to where it is, there to be tried, not by a jury or a disinterested tribunal, but by that court

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